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PROVISIONAL VERBATIM RECORD OF THE TWO THOUSAND NINE HUNDRED AND FIFTIETH MEETING

Held at Headquarters, New York,
on Saturday, 27 October 1990, at 5.30 p.m.

President:	Sir David HANNAY	(United Kingdom of Great Britain and Northern Ireland)
Members:	Canada	Mr. KIRSCH
	China	Mr. WANG Guangya
	Colombia	Mr. PEÑALOSA
	Côte d'Ivoire	Mr. ANET
	Cuba	Mr. ALARCON de QUESADA
	Ethiopia	Mr. TADESSE
	Finland	Mr. TÖRNUDD
	France	Mr. ROCHEREAU DE LA SABLIERE
	Malaysia	Mr. RAZALI
	Romania	Mr. MUNTEANU
	Union of Soviet Socialist Republics	Mr. VORONTSOV
	United States of America	Mr. WATSON
	Yemen	Mr. AL-ASHTAL
	Zaire	Mr. BAGBENI ADEITO NZENGEYA

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The meeting was called to order at 5.35 p.m

ADOPTION OF THE AGENDA

The agenda was adopted.

THE SITUATION BETWEEN IRAQ AND KUWAIT

The PRESIDENT: I should like to inform the Council that I have received letters from the representatives of Iraq and Kuwait in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Al-Anbari (Iraq) and Mr. Abulhasan (Kuwait) took places at the Council table.

The PRESIDENT: The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/21911, which contains the text of a draft resolution submitted by Canada, Finland, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Zaire.

I should like to draw the attention of members of the Council to document S/21887, which contains the text of a letter dated 18 October 1990 from the Permanent Representative of Kuwait to the United Nations addressed to the Secretary-General.

The first speaker is the representative of Kuwait, on whom I call.

Mr. ABULHASAN (Kuwait) (interpretation from Arabic): With great resolve and in a meaningful move, the Security Council is meeting in order to ensure that the focus remains where it should be: on the deterrence of aggression, ending the Iraqi occupation of the State of Kuwait, which today is entering its eighty-fifth day, and halting the inhuman practices against Kuwait's people, its identity, its institutions and its very constituents, and against the large number of other nationals who had been living in Kuwait and contributing with the sons of Kuwait to its prosperity and stability. That prosperity and that stability were in themselves an immense challenge to the Iraqi régime, which was unable to match them in spite of its enormous financial, economic and human resources. It thus decided that the quickest way to meet that challenge was to use brute force to eliminate it. In doing so the Iraqi régime is only trying to eclipse the solar disc and its glow. But it will not be able to do so.

(Mr. Abulhasan, Kuwait)

The Council has convened once again to consider the escalating acts of murder of innocent people for no other reason than that they have displayed pictures of His Highness the Amir, the leader of Kuwait and the trailblazer in its progress; the murder of innocent children who chant for their country and against occupation; the murder of innocent people simply for showing attachment to and affection for Kuwait's blessed soil, its régime and their national obligations. The Council is considering once more the increasing acts of plunder, robbery, destruction, murder, torture and detention, which clearly show the malicious intention to destroy all the economic and social infrastructures achieved in Kuwait and to loot everything, even the paving of sidewalks, and traffic lights, not to mention equipment and machinery in hospitals, schools, factories, institutions, ports and ministries, and goods of all kinds. Not even the seats in sports stadiums have been spared by the pirates.

The Council is meeting once again to consider the continuing violation by the invading forces of the Vienna Conventions on consular immunities, the assault on the inviolability of foreign embassies and the cutting off of food, water and electricity. But these ignominious practices and the direct suffering inflicted on the staff of the embassies have not prevented the individuals concerned or their States from combating these flagrant Iraqi violations of international law. They have kept their embassies open, and some of them are open still.

On behalf of the State, Government and people of Kuwait, I salute the Governments of all the States that have done their utmost to keep their embassies open, pushing human endurance to its limit. I salute the foreign diplomats still present in Kuwait and also their families. The acts committed by the Iraqi invasion forces against the citizens and residents of Kuwait are a flagrant violation of the Fourth Geneva Convention.

(Mr. Abulhasan, Kuwait)

The media, Amnesty International and other human rights organizations have been flooded with numerous accounts by eye-witnesses of all nationalities exposing the Iraqi régime and its undisciplined invading army. This has led the Kuwaitis, backed by civilized nations of the world, to demand the establishment of tribunals, as at Nuremberg, and the prosecution as war criminals of those within the Iraqi régime who commit such acts. The crime of the Iraqi régime is the more agonizing in that it was perpetrated against unarmed people to whom its nation is tied by bonds of religion, blood, pan-Arabism and geographical proximity.

Although eight binding resolutions have so far been adopted by the Security Council, the Iraqi régime has not shown the slightest sign that it is leaning towards peace, heeding the voice of reason or responding to the call for reason, the complete, immediate and unconditional withdrawal from Kuwait and the restoration of Kuwait's legitimate Government.

Moreover, all that effort, which was exerted individually and collectively and in good faith, albeit unsuccessfully and without result, has been exploited by the Iraqi régime for very negative purposes. Against this backdrop, it has embarked on consolidating its occupation and expanding its military deployment, while practising the harshest forms of oppression and terrorism against the Kuwaiti people in an attempt to force them to flee, after destroying, or stripping them of, all their property and belongings and even burning their identification documents. This is all part of an organized drive to settle Iraqis and foreigners in place of Kuwaitis with a view to altering the demographic composition of that nation.

Every day that passes with Kuwait under Iraqi occupation brings more destruction and ruin to Kuwait and the Kuwaiti people, and increases the number of innocent victims. But the Kuwaiti people, backed by an unprecedented world consensus and by the Security Council, refuse with great determination to budge

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(Mr. Abulhasan, Kuwait)

from their position and their just demands. They will not accept what has happened as a fait accompli or make any concessions whatsoever.

The Iraqi régime is liable under the Fourth Geneva Convention for all the crimes it has committed against the native people of Kuwait, the other people there, and the peace and security of the region. This is a legal liability that is governed by international conventions and covenants and regulated by the binding resolutions of the Security Council.

(Mr. Abulhasan, Kuwait)

Experiences from the lives of countries and peoples teach us that by standing fast, insisting on upholding right, rejecting halfway measures and denying an aggressor the chance of reaping any reward, aggression will be rooted out and doors shut tight in its face, so safeguarding mankind against any recrudescences of such adventurism.

The draft resolution before the Council today is specifically identified with one aspect of that responsibility: restitution for damages suffered by Kuwait's Government and people, in accordance with the provisions of General Assembly resolution 3281 (XXIX) on the "Charter of Economic Rights and Duties of States", which provides, in its article 16, for restitution and full compensation for the exploitation and depletion of the resources and property of the people and the country under occupation. Also, reflecting the legal obligations and the moral responsibilities of the State of Kuwait towards its citizens and foreign residents who have lost their property and funds, a Decree-Law was issued by the Amir on 18 October 1990 to the effect that all property of Kuwaitis and foreigners resident in the State of Kuwait are held in trust by it.

Allow me, in view of the importance of this issue, to cite the first and second articles of this Decree-Law:

"Article 1

"Property belonging to Kuwaiti nationals or to non-Kuwaitis domiciled in Kuwait, whether such property is situated inside or outside Kuwait, and whether it belongs to individuals or bodies corporate, shall be held in trust by the State of Kuwait as represented by its lawful Government, which shall exercise such responsibilities in cases where such property has been lost or has been damaged in any way by the occupation authorities or by the Iraqi Government, or where it has been transferred or appropriated by a third party

(Mr. Abulhasan, Kuwait)

without the consent of its owners. The purpose of these measures is to protect such property on behalf of its lawful owners.

"Article 2

"Under the measures set forth in article 1 of this Law, the State of Kuwait as represented by its lawful Government shall have the right to resort, as and when necessary or appropriate, to any judicial, administrative or legal mechanisms in any State, with a view to protecting the aforementioned property. In particular, the lawful Government shall have the right as trustee to have recourse to the competent administrative or judicial authorities in any State in order to protect the aforementioned property of which it is the rightful owner, in cases where the occupation authorities take possession of, damage or destroy such property during the period of occupation, or dispose of such property directly or indirectly for the benefit of a third party, through, inter alia, measures of expropriation, nationalization or distraint, or any other measure of trespass or appropriation taken by the Iraqi Government, its agencies or its public institutions.

"The Government of Kuwait has, in particular, the right to order the provisional attachment and distraint of property belonging to the Iraqi Government or to its public agencies or public institutions situated abroad." (S/21887, p. 3)

In view of the significance of this decree, its text was circulated as an official document of the Security Council.

We in Kuwait defend right and peace, and the Council shares with us a responsibility not to allow evil inclinations and malicious motives to drive the region to devastation. The Iraqi régime, which has embraced evil as a concept and

(Mr. Abulhasan, Kuwait)

a method and malice as a motivation and a drive, is today requested to comply with your resolutions and not to underestimate the Council's resolve, and the resolve of Kuwait, its Amir, Government and people to take all measures, without restriction, in order to make the aggressor respond to the international will and comply with it by accepting a complete and unconditional withdrawal and restoring lawfulness to Kuwait. The Charter of the United Nations safeguards rights that should not be overlooked by the Iraqi leadership, and we are determined to make full use of those rights. The Security Council is expected to set out promptly to consider what additional measures are needed to achieve its ultimate goal, that of dislodging the aggressor and restoring all the law-abiding party's rights to it.

Mr. VORONTSOV (Union of Soviet Socialist Republics) (interpretation from Russian): The very acute international crisis in the region of the Persian Gulf caused by Iraq's occupation of the sovereign State of Kuwait continues to cause deep concern in the Soviet Union and the whole world community. In the decisions of the Security Council calling for the unconditional and immediate withdrawal of the Iraqi forces from Kuwait, a unique solidarity among various countries made its appearance for the first time in many decades. The basis of this solidarity is a recognition which unites us all of our responsibility for upholding peace and stability. In the Persian Gulf now, the ability of the world community to act in accordance with the new criteria of international politics is being tested, as is the ability, through joint efforts, to make those responsible for the conflict obey the norms of international law.

(Mr. Vorontsov, USSR)

However, reports from the Persian Gulf region show that so far Iraq has not given a positive response to the efforts by many countries to settle the conflict. There are continuing gross violations of the fundamental norms and principles of international law and the United Nations Charter. The rights of Kuwaitis are being flouted, as are the dignity and security of the citizens of many other countries. The situation and the fate of thousands of Soviet citizens in Iraq today is naturally a matter of serious concern to our country.

The Soviet Union is convinced that Iraq's illegal actions must immediately be halted. Their continuation could be regarded only as a challenge to the international community, which is demonstrating unity in its actions in the face of this threat to international peace and security.

The draft resolution (S/21911) contains a strong indication of the Security Council's resolve to do everything possible to prevent the present very tense situation degenerating into a military conflict. The Soviet Union is ready to support that draft resolution; the Soviet delegation participated actively in its drafting, and will vote in favour of it.

We are opposed to a so-called military solution to problems. War brings death and destruction, but does not fully remove problems. The Soviet Union believes that if there is even the slightest chance of a political settlement it must be seized and fully exploited.

In taking this position of principle, condemning the Iraqi aggression, the Soviet Union is doing everything it can to promote a settlement of the crisis by political means. As the Council knows, the special representative of the President of the Soviet Union, Mr. Primakov, is currently in Baghdad, and we have great hopes for the success of his mission there.

(Mr. Vorontsov, USSR)

We are pleased to see that many other countries are now active in the search for such a solution, both within the context of the Security Council and the Non-Aligned Movement and within the Arab States themselves. Without any doubt whatsoever, a very important and solid contribution is also being made here by the Secretary-General.

The Security Council's draft resolution also repeats its demand to Iraq to implement the will of the world community and strictly to observe the norms of international law. Nobody can say that that is too big a demand to make. We believe that it is the minimum to demand if the world wants to live in a state of legality and good order.

One would like to believe that in Iraq awareness of its responsibility will develop and that the strength will be found there to take the only true decision possible - to implement the decisions of the Security Council and immediately and unconditionally to withdraw troops from Kuwait. That will open the path to a peaceful settlement of the dispute and strengthen security and stability in the region.

The PRESIDENT: There are no further speakers on my list for this meeting. In accordance with the understanding reached in the Council's prior consultations, the next meeting of the Security Council to continue the consideration of the item on the agenda, and to proceed to the vote, will take place on Monday, 29 October, at 11 a.m.

The meeting rose at 6.10 p.m.